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OFFICE OF PETITIONS

#19

MS Petitions
Attorney Docket 90086

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

PETROVIC, et al.

Serial No.: 09/580,513

Group Art Unit: Unknown

Filing Date: May 25, 2000

Examiner: Unknown

Title: **RATIONAL FREQUENCY SYNTHESIZERS**

Commissioner of Patents
Alexandria, VA 22313-1450

PETITION UNDER 37 CFR 1.137(b)

This is a Petition to Revive the above-captioned application under 37 CFR 1.137(b) as an unintentional abandonment.

This Application went abandoned on October 22, 2003 for failure to respond to a Notice to File Missing Parts, which was dated March 14, 2002 with a two-month time period for reply. The Notice to File Missing Parts required submission of a filing fee of \$690.00, an oath or declaration, and a late filing fee surcharge of \$130.00.

On July 15, 2002, in response to the Notice to File Missing Parts, Applicants submitted, via the U.S. Postal Service, an assertion of small entity status, a request for a two-month extension of time to reply to the Notice to File Missing Parts, and an extension fee of \$200.00, the required late fee of \$65.00 for the oath, and the required small entity utility filing fee of \$345.00. With a petition for a two-month extension of time to

02/19/2004 AWONDAF1 00000078 140112 09580513

01 FC:2453 45.00 DA 620.00 DP

02/26/2004 RKELLEY 09580513
01 FC:2051 25.00 DA
Adjustment date: 02/26/2004 RKELLEY
07/24/2002 LIBERTE 00000036 09580513
03 FC:197 -40.00 DP

reply to the Notice to File Missing Parts, the date for reply would have been July 15, 2002 (as July 14, 2002 was a Sunday and the Office was not receiving mail). The U.S. PTO received the above on July 22, 2002.

Applicants' prior representative charged the above fees to a credit card. On July 31, 2002, the U.S. PTO mailed a Notice of Incomplete Reply, which asserted that the small entity surcharge had not been paid. Thereafter, the U.S. PTO mailed a Notice of Abandonment on October 22, 2003. Applicants respectfully traverse the Notice of Incomplete Reply and respectfully submit that the required surcharge was timely paid on July 15, 2002 as shown on the form PTO/SB/17 Fee Transmittal for Fiscal Year 2002 (of record in this application, Fee Code 105).

By this Petition, Applicants have authorized the U.S. PTO to charge any fee deficiency to Deposit Account No. 14-0112 and respectfully submit the required petition fee under 37 CFR 1.17(1). Applicants further submit that the entire delay in responding to the Notice to File Missing Parts until the filing of this petition was unintentional and that no terminal disclaimer is required in this case.

Applicants further request that, in view of Applicants' assertion that the required surcharge was timely paid, the petition fee paid herewith be refunded to Applicants.

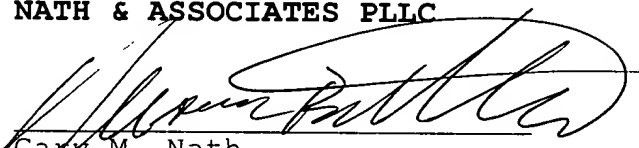
Please charge any fee deficiency, or credit any overpayment,
in connection with this matter to Deposit Account No. 14-0112.

Respectfully submitted,

NATH & ASSOCIATES PLLC

Date: February 17, 2004
NATH & ASSOCIATES PLLC
1030 15th Street N.W.,
6th Floor
Washington, D.C. 20005
(202) 775-8383

By:


Gary M. Nath
Registration No. 26,965
Marvin C. Berkowitz
Registration No. 47,421
Derek Richmond
Registration No. 45,771